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*AK*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/025,896 02/18/98 LONGSTRETH

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EXAMINER

GOODMAN, C

ART UNIT

PAPER NUMBER

3724

11

DATE MAILED:

07/06/01

BILLIE JEAN LONGSTRETH  
406 RISING HILL DRIVE  
FAIRBORN OH 45324

QM12/0706

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



# Patent and Trademark Office

Address : ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

*SR*

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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Commissioner of Patents and Trademarks

See Attached

Art Unit: 3724

## **RE: Letter Re Abandonment**

Receipt is acknowledged of the letter filed on April 28, 2000 regarding the abandonment of the instant application.

Upon review and in discussion with my supervisor, it appears that the Abandonment of the application was proper for the following reasons.

### **Re: The Substitute Specification and New Claim filed on December 9, 1999**

At the time, the application was under Final Action.<sup>1</sup> This means that whatever communications or proposed amendments that Applicant wishes to make will not be entered as a matter of right. MPEP 714.13. For an After Final Amendment to be entered, it must satisfy the requirements of 37 CFR 1.116 and 37 CFR 1.113, which basically states that (1) the proposed amendment will place the application in condition for allowance OR (2) the proposed amendment will place the case in better form for a appeal.

In reviewing the above mentioned substitute specification and the new claim therein, they would not satisfy the requirements mentioned above. First, the substitute specification appears to be correct to the extent that it complies with formal matters. However, the substitute specification would not be entered since the application was under Final, and a review of the substance of the changes in the substitute specification

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<sup>1</sup> Note the Final Office Action, Paper No. 4, mailed August 25, 1999.

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would raise new issues. Second, the new claim 3 would also raise new issues because of non-compliance with the requirements of 35 USC 112, second paragraph. Most importantly, the new claim does not appear to be an allowable claim that would facilitate placement of the application in condition for allowance.

It is noted that the above mentioned submission by the Applicant was not matched with the file in a timely manner due to inadvertent delay from the Office. However, as noted above, this submission would not have been entered because they did not comply with the requirements for entry of After Final Amendments.

### **CONCLUSION**

Applicant may still continue with this application, and there are several options available as to which course Applicant should take. However, Applicant is advised to thoroughly review the prior art of record to discern what the differences are between Applicant's invention and the prior art devices that would render it patentably distinct. Information is available to the public with regards to procedural matters, but it is again emphasized that Applicant secure the services of an attorney. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

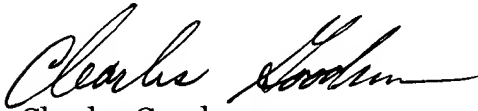
Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is

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for sale by the Superintendent of Documents, U.S. Government Printing Office,  
Washington, D.C. 20402.

A handwritten signature in cursive script, appearing to read "Charles Goodman".

Charles Goodman

Patent Examiner

AU 3724

July 3, 2001

Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.